



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,574	09/16/2003	Gabriel G. Marcu	2095.000900/P3112	5291

23720 7590 10/12/2006

WILLIAMS, MORGAN & AMERSON  
10333 RICHMOND, SUITE 1100  
HOUSTON, TX 77042

EXAMINER

RATCLIFFE, LUKE D

ART UNIT	PAPER NUMBER
----------	--------------

3662

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/663,574

Applicant(s)

MARCU, GABRIEL G.

Examiner

Luke D. Ratcliffe

Art Unit

3662

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 9/14/06 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-5, 8, 10-13, 18-23, 26-30, 35-45.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
SEE NOTE.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

NOTE: Bachmann shows sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (column 1 line 44 – 65 and column 5 line 5-20), incident being falling or striking something, as pertaining to light rays, any angle at which the optical signal from the first apparatus to the second apparatus would be incident. Bachmann also shows using a screen that receives a reflected angle of the optical signal from the second apparatus (column 4 line 32-65). Bechmann also shows adjusting a position of one of the apparatuses relative to the other, IN ANY WAY, by adjusting the incident angle, incident being falling or striking something, as pertaining to light rays, any angle at which the optical signal from the first apparatus to the second apparatus would be incident. Therefor since Bechmann does show each and every feature claimed the rejection stands.

Holzl shows "Thus in every position of measurement of the two shafts 1 and 2 the position detector produces two signals S.sub.x and S.sub.y, which correspond to the coordinates x and y of the point A of incidence of the light beam on the position detector 7 with respect to a reference point BP fixed in relation to the shaft" (column 4 lines 21-28). Holzl is referring to something call the Cartesian coordinate system when he says S.sub.x and S.sub.y which is used in general to describe a POSITION with respect to a origin "reference point BP". Therefor Holzl shows a screen that produces two electrical signals that determine where the light strikes the screen, and since electrical signals do include some type of circuitry, excluding natural electrical signals, the circuitry is inherent. Furthermore it would be obvious to combine the screen that outputs the position of the light to automate the process taught by Bachmann.

Holzl shows the use of a photometer as described above, Stabile shows both a photometer and a radiometer which would be obvious to use because they detect light which is what Bachmann shows is the main factor in the alignment method disclosed.

Dandliker shows adjusting a relative positioning of a computer LCD screen and Bachmann shows adjusting the relative positioning of a first and second apparatus. These are similar art because they include the alignment and relative positioning of their respective apparatus using a transmitted light. It would further be obvious to position any apparatus using the methods disclosed by Bachmann because the method of transmitting a signal and receiving a reflected signal on a screen is not apparatus dependent.

Snyder shows markings on the screen as shown in figure 11 and these markings are also taught by the aperture discussed in Bachmann. The art is analogous because they both deal with angular alignment.

Loke Ratcliffe

GAU 3662

Phone (571) 272-3110



THOMAS H. TARCZA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600